



# City of Tempe

MINUTES FOR THE CITIZENS ADVISORY COMMITTEE  
(CAC) MEETING

5:30- 8:30 pm, April 25, 2002  
Public Works Conference Room

## ATTENDANCE:

Rich Nolan, Accessibility Consultant	Darin Sender, Board of Adjustment, Planning Commission
Todd Marshall, Developer	Cheri Edington, Board of Adjustment Chair
Kathryn Heffernan, Parking Consultant	Maryann Miller, Tempe Chamber of Commerce
Grady Gammage, Attorney	Darin Sender, Attorney
Chris Aulerich, Engineer	Bill Butler, Neighborhoods
Helen Stern, Neighborhoods	Karyn Gitlis, Neighborhoods
Darlene Justus, Neighborhoods	Scot Siegel, Otak
Roger Millar, Otak	Fred Brittingham, Planning
Bonnie Richardson, CD+D	Arlene Palisoc, Planning
Grace Kelly, Planning	

Others in attendance: Ron Moore, Barbara Sherman, Evelyn Hallman, and Janet Herlych.

## INTRODUCTION

- Overview of Module 3
- Four types of decisions and process:

<u>Types of Decisions</u>	<u>Decision Makers</u>	<u>Hearing</u>
1. Administrative	Staff	Only on appeal
2. Administrative w/ notice	Staff, HO, DRB	only on appeal
3. Quasi –Judicial	BOA, PZ, HO, CC, DRB	Yes
4. Legislative	Council w/ PZ Recommendation	Yes

- What makes boards “quasi-judicial”.
- Grady: Variances are quasi-judicial. If variances go to Council, it is a legislative decision and not quasi-judicial. You can make the choice with a use permit whether it is legislative or quasi-judicial.
- We can make other boards , i.e. DRB quasi- judicial if we want. If appealed, it may then go to City Council.

- Cheri: Board of Adjustment decisions are not appealed to Council, PZ can be appealed to Council. Keep it separate. Suggest use permits go to one Board/Commission and variances go to another Board/commission. Send all to the same place as less frustration, confusion.
- Fred: Explained time constraints – more expedient to have flexibility.
- Grady: Need flexibility in the ordinance, ex) 6' wall vs. 5'9" wall. Need clear paths and not mix legislative and quasi-judicial nightmare. It is difficult to lobby for quasi-judicial. You should not have variances with PAD. Under special circumstances you should create a waiver process. Call it a waiver, not a variance.
- Bill: Suggests not going to superior court. It is difficult for the average person to get a lawyer and go to superior court.
- Scot: To Summarize, Quasi-judicial is a bad name for Type III, need to minimize the number of variances, and need to optimize the number of cases within the city before going to superior court.
- During the variance process discussion last time, we talked about the need to meet "intent" and the need to keep "intent in final draft. Using this process should eliminate variances.
- Karyn: May want the hard line in ordinance and not have subjective interpretation or "intent". Need some flexibility, checks and balances with neighborhood associations and follow up.
- Roger: Explained "bar" and how intent can be used if they don't want to meet typical standards.
- Zone changes are not III, but IV.
- Darin: Would like to see a table to show changes between old code and new code.
- Darlene: Questioned whether mailings "shall" be done by developer. Questioned if it would be done. Suggested certified mail.

- Bill: Notification with signs. What if someone takes down a sign? Need property owner or applicant to keep it up.
- Grady: Consider all notices on web page and look for central location, i.e. library.

## NEIGHBORHOOD MEETINGS

- No city staff required. Information meeting with applicant / neighborhood.
- Wording “days” or “calendar days” – “calendar days” should be used throughout.
- Need to be “shalls” in neighborhood – needs to be required.
- Wants language to be stronger, no criteria that developer needs “approval ” from project .
- Roger: Purely informational only. Just formalizing procedure.
- Grady: Proposal for neighborhood meeting should be submitted to staff who will negotiate details. Need to be specific to each neighborhood.
- Rules about Boards and commissions can be taken out.
- Take out parties, appeals, confusing.
- Want Zoning Administrator opinions / code interpretations to be noted each time.
- Approval criteria in DRB with Pedestrian design should be added.
- P.A.D.- Application requirements excessive or doesn’t coordinate with current PAD process. Need to clarify.
- Use permit - need recommendation – keep open to staff judgment or have one way to process.
- Parking by demand – unclear if quasi-judicial or legislative.
- Suggest use permit approved by PZ and appealable to city council.